

**To:** "Mack, Karyllan Dodson" [Karyllan.Mack@klgates.com]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Sarah Flanagan/OU=R2/O=USEPA/C=US  
**Sent:** Fri 6/1/2012 3:18:45 PM  
**Subject:** Re: RM 10.9 settling parties  
[bonni.kaufman@hklaw.com](mailto:bonni.kaufman@hklaw.com)  
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Karyllan,

Yes, please ask them to prepare additional information.

When we were in the final months of negotiating the RI/FS AOC in 2007, and simultaneously completing the second amendment to the Section 122(h) agreement, a number of parties asked to add affiliated companies even though in some instances EPA had not issued notice letters to those affiliated companies. So that EPA could understand the basis for the requests, Bill Hengemihle prepared an explanation of the nexus of these affiliated companies, as well as their relationship to the already-named parties. EPA and DOJ reviewed the explanation, and we discussed the details internally and with the CPG. Ultimately, we determined that it would be acceptable to change the caption and the list of settling parties, and we also issued notice letters to companies that had not already received them and that we determined had a sufficient nexus to the River to be considered PRPs in their own right.

EPA would like the same kind of information about Quala Systems, Inc. and TRMI-H LLC. The third party complaints filed in the state litigation are not necessarily informative about the nexus of the named parties, and EPA does not necessarily know if the facts alleged in the complaints are accurate. We need to understand the corporate relationships as well. Please ask counsel to provide a short written explanation of what the companies did, when they did it, and what their relationships are with the already-named settling parties. As was the case in Bill Hengemihle's letter of April 27, 2007, a paragraph of two should be sufficient for each request.

Also, this is probably a good time for me to ask about the name changes for Celanese Ltd. (name changed to "CNA Holdings LLC"). Tate & Lyle Ingredients America, Inc. (name changed to "Tate & Lyle Ingredients America, LLC"), and Vulcan Materials Company (name changed to Vulcan Legacy Corp.). I am up to speed on The Stanley Works changing to Stanley Black & Decker as a result of the merger so nothing more needed on that front.

Thank you. I am available to discuss this if will be helpful.

-Sarah

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From: "Mack, Karyllan Dodson" <Karyllan.Mack@klgates.com>  
To: Sarah Flanagan/R2/USEPA/US@EPA  
Date: 05/31/2012 08:36 PM  
Subject: RM 10.9

Sarah - Here is a second request regarding adding an additional party to the AOC. Please let me know how you would like to approach these. Should I set up a call? Request that they prepare additional information?

Thanks.

From: Bonni.Kaufman@hklaw.com [mailto:Bonni.Kaufman@hklaw.com]  
Sent: Thursday, May 31, 2012 5:44 PM  
To: Monsen, Dawn M.; Mack, Karyllan Dodson  
Cc: Bonni.Kaufman@hklaw.com  
Subject: URGENT -- RE: Diamond Alkali LPRSA - RM 10.9 Removal (1 of 2)

Quala Systems, Inc. needs to be added to the list of settling parties on the AOC. Quality Carriers, Inc. owns the facility involved, Quala Systems, Inc. operated there. Quality Carriers is listed. Both companies are affiliates of Quality Distribution, Inc., but are separate companies. (FYI- both companies were separately sued in the Tierra third party complaint.)

Thank you - let me know if you need further information in order to add Quala Systems, Inc.

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